

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiff,

V.

HARMAN INTERNATIONAL INDUSTRIES,
INCORPORATED,

Defendant.

Civil Action No. 05-10990-DPW

Magistrate Judge Judith Dein

JOINT MOTION FOR A BRIEFING SCHEDULE

Plaintiff, Massachusetts Institute of Technology (“MIT”), and Defendant, Harman International Industries, Inc., submit this joint motion requesting that the Court establish a briefing schedule for addressing issues raised in Harman’s Motion for Summary Judgment that Claims 1, 42, and 45 of the ’685 Patent Are Invalid Under 35 U.S.C. § 102(b) Due to Public Use (Docket Number 153) (“Harman’s Invalidity Motion”). MIT intends to oppose Harman’s Motion and file a cross-motion for summary judgment that claims 1, 42, and 45 are not invalid based on the inventors’ research activities leading up to Dr. Jim Davis receiving his Ph.D. degree from MIT. MIT’s cross-motion will be based on facts similar to and address issues similar to those raised by Harman’s Invalidity Motion and Harman’s Motion for Summary Judgment of Unenforceability Due to MIT’s Inequitable Conduct (Docket No. 132), for which a hearing was held on August 1, 2007. The parties have conferred and agree on the dates presented in the table below.

This extension is not requested for purposes of undue delay, and would not disturb the scheduling of any pending hearing or trial date. The parties respectfully request that this Court amend its current Scheduling Order to reflect this mutually agreed proposed schedule, which follows.

ACTIVITY	CURRENT DEADLINE	PROPOSED DEADLINE
MIT'S RESPONSE IN OPPOSITION TO HARMAN'S INVALIDITY MOTION & MIT'S CROSS-MOTION FOR NO INVALIDITY DUE TO INVENTORS' ACTIVITIES	August 8, 2007	August 30, 2007
HARMAN'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT & HARMAN'S RESPONSE IN OPPOSITION TO MIT'S CROSS-MOTION	Not scheduled	September 26, 2007
MIT'S REPLY IN SUPPORT OF ITS CROSS-MOTION	Not scheduled	October 5, 2007

Dated: August 7, 2007

Massachusetts Institute of Technology,

By its attorneys,

/s/ Steven M. Bauer

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CERTIFICATE OF SERVICE

I certify that on August 7, 2007, I caused a copy of the forgoing document to be served upon counsel of record for Harman International Industries by electronic means using the Court's ECF system.

/s/ Steven M. Bauer

Steven M. Bauer